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Attorneys for Defendants  
U.S. HEALTHWORKS, INC. (erroneously sued and served as  
U.S. HEALTHWORKS HOLDING COMPANY, INC.) and  
U.S. HEALTHWORKS MEDICAL GROUP, PROF. CORP.

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

CATRINA R. RODRIGUEZ, on behalf  
of herself, all others similarly situated,

Plaintiff,

vs.

U.S. HEALTHWORKS, INC., a  
Delaware corporation; U.S.  
HEALTHWORKS MEDICAL GROUP,  
PROF. CORP., A Delaware corporation;  
US HEALTHWORKS HOLDING  
COMPANY, INC., a business entity  
form unknown; and DOES 1 through  
100, inclusive,

Defendants.

**Case No.:**

**DEFENDANTS' NOTICE OF  
REMOVAL OF ACTION TO  
FEDERAL COURT UNDER 28 U.S.C.  
§§ 1331 and 1441**

[Filed Concurrently with Defendants' Civil  
Case Cover Sheet; Declaration of Hazel U.  
Poei; Defendants' Notice of Interested  
Parties; and Defendants' Corporate  
Disclosure Statement]

Complaint Filed: October 24, 2017

**TO THE CLERK OF THE UNITED STATES DISTRICT COURT FOR  
THE NORTHERN DISTRICT OF CALIFORNIA AND TO PLAINTIFF  
CATRINA R. RODRIGUEZ AND HER ATTORNEYS OF RECORD:**

CASE NO.:

1

DEFENDANTS' NOTICE OF REMOVAL OF  
ACTION TO FEDERAL COURT UNDER 28  
U.S.C. §§ 1331 and 1441

1 **PLEASE TAKE NOTICE** that Defendants U.S. HEALTHWORKS, INC. and  
 2 U.S. HEALTHWORKS MEDICAL GROUP, PROF. CORP. hereby invoke this Court's  
 3 jurisdiction under 28 U.S.C. §§ 1331 and 1367, and pursuant to 28 U.S.C. § 1441,  
 4 remove this action to this Court from the Superior Court of the State of California in and  
 5 for the County of Alameda.<sup>1</sup>

6 **PLEADINGS, PROCESS, AND ORDERS**

7 1. On October 24, 2017, Plaintiff Catrina R. Rodriguez ("Plaintiff") filed a  
 8 Complaint against Defendants U.S. HealthWorks, Inc., U.S. HealthWorks Medical  
 9 Group, Prof. Corp., and U.S. HealthWorks Holding Company, Inc. ("Defendants") in the  
 10 Superior Court of the State of California in and for the County of Alameda. The  
 11 Complaint is titled *Catrina R. Rodriguez, on behalf of herself, all others similarly*  
 12 *situated, Plaintiff vs. U.S. HealthWorks, Inc., a Delaware corporation; U.S. HealthWorks*  
 13 *Medical Group, Prof. Corp., a Delaware corporation; US HealthWorks Holding*  
 14 *Company, Inc., a business entity form unknown; and Does 1 through 100, inclusive,*  
 15 *Defendants*, Case No. RG 17879760. The Complaint asserts the following five (5) causes  
 16 of action: (a) violation of 15 U.S.C. §§ 1681b(b)(2)(A)(Fair Credit Reporting Act); (b)  
 17 violation of 15 U.S.C. § 1681d(a)(1) and 1681g(c)(Fair Credit Reporting Act); (c)  
 18 violation of California Civil Code § 1786 *et seq.* (Investigative Consumer Reporting  
 19 Agencies Act); (d) violation of California Civil Code § 1785 *et seq.* (Consumer Credit  
 20 Reporting Agencies Act); and (e) Unfair Competition (Business & Professions Code  
 21 §§ 17200 *et seq.*).

22 2. On November 3, 2017, Defendants were served with a copy of the Summons  
 23 and Complaint via their registered agent for service of process, CT Corporation. True and  
 24 correct copies of the Summons and Complaint served on Defendants are attached hereto  
 25 as Exhibit "1." [Declaration of Hazel U. Poei ("Poei Decl."), ¶ 2 and Exh. "1" attached  
 26 thereto]. Attached hereto as Exhibit "2" are true and correct copies of the proofs of  
 27

28 <sup>1</sup> Defendant U.S. HealthWorks Holding Company, Inc. presently does not exist or  
 operate. This entity is currently known as Defendant U.S. HealthWorks, Inc.

1 service filed with the Superior Court of the State of California in and for the County of  
2 Alameda reflecting that service was effected on Defendants' agent for service of process,  
3 CT Corporation, on November 3, 2017. [Poei Decl., ¶ 3 and Exh. "2" attached thereto].

4 3. On December 1, 2017, Defendants filed an Answer to the Complaint. A true  
5 and correct copy of Defendants' Answer is attached hereto as Exhibit "3." [Poei Decl., ¶  
6 4 and Exh. "3" attached thereto].

7 4. Defendants are informed and believe that no other process, pleadings, orders  
8 or documents have been filed or received by Defendants in this action in the Superior  
9 Court of the State of California in and for the County of Alameda. 28 U.S.C. § 1446(a);  
10 Poei Decl., ¶ 5.

#### 11 **FEDERAL QUESTION AND SUPPLEMENTAL JURISDICTION**

12 5. This Court has original jurisdiction over this action under 28 U.S.C. § 1331  
13 in that it is a civil action involving the laws of the United States. Specifically, Plaintiff  
14 alleges in her first and second causes of action that Defendants' disclosures do not meet  
15 various requirements set forth under the Fair Credit Reporting Act ("FCRA"), 15 U.S.C.  
16 §§ 1681-1681x. To the extent Plaintiff asserts state law causes of action, those claims are  
17 sufficiently related to Plaintiff's various federal causes of action such that this Court has  
18 supplemental jurisdiction over those claims pursuant to 28 U.S.C. § 1367. This action is  
19 therefore fully removable to this Court pursuant to 28 U.S.C. § 1441.

#### 20 **VENUE**

21 6. Venue properly lies in the United States District Court for the Northern  
22 District of California pursuant to 28 U.S.C. § 1441(a). Section 1441(a) provides, in  
23 relevant part:

24 [A]ny civil action brought in a State court of which the district  
25 courts of the United States have original jurisdiction, may be  
26 removed by the defendant or the defendants, to the district court  
27 of the United States for the district and division embracing the  
28 place where such action is pending.

As indicated above, Plaintiff brought this action in the Superior Court of California in and for the County of Alameda. The United States District Court for the Northern District of California encompasses this territory. 28 U.S.C. § 84(a).

### **TIMELINESS OF REMOVAL**

7. This Notice of Removal is timely because this Notice of Removal is filed within thirty (30) days after Defendants were served with papers from which it could first be ascertained that the case was removable. 28 U.S.C. § 1446(b). *See Murphy Bros., Inc. v. Michetti Pipe Stringing, Inc.* (1999) 526 U.S. 344, 353 (service of process is the official trigger for responsive action by a named defendant).

### **NOTICE TO PLAINTIFF AND STATE COURT**

8. In accordance with 28 U.S.C. § 1446(d), Defendants' counsel certifies that a copy of this Notice of Removal and all supporting papers will be served on Plaintiff's counsel and filed with the Clerk of the Superior Court of California in and for the County of Alameda. As such, all procedural requirements under 28 U.S.C. § 1446 are satisfied.

### **CONCLUSION**

**WHEREFORE**, Defendants pray that the action now pending against them in the Superior Court of the State of California for the County of Alameda be removed to this Court.

Dated: December 4, 2017

JACKSON LEWIS P.C.

By: /s/ Fraser A. McAlpine

Fraser A. McAlpine  
Hazel U. Poei

Attorneys for Defendants  
U.S. HEALTHWORKS, INC. and  
U.S. HEALTHWORKS MEDICAL GROUP,  
PROF. CORP.